

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 2:22-CR-00163
	)	
DAVID GERALD MINKKINEN	)	
and SIVARAMAN SAMBASIVAN,	)	
	)	
Defendants.	)	

**DEFENDANT MINKKINEN'S MOTION FOR PERMISSION TO  
ALLOW TRAVEL OUTSIDE THE COUNTRY**

COMES NOW Defendant Minkkinen and hereby files this Motion for Permission to Allow Travel Outside the Country, stating as follows:

1. Defendant is a married man with a 16-year-old daughter with whom he and her mother reside. His daughter is a junior in high school in Minnesota and has an approaching spring break from high school during the week of March 18, 2024.
2. Defendant and his wife would like to take their only child on a Norwegian Cruise Line (NCL) cruise to Puerto Rico and the surrounding island countries such as the British Virgin Islands from Sunday, March 17, 2024, to Sunday, March 24, 2024.
3. Such a trip must be booked well in advance and deposits paid to the cruise line.  
  
Defendant would also need access to his now-expired passport which he surrendered to the government upon his arrest in order to be able to apply for a renewal of the passport in a timely fashion.
4. The defendant is a lifelong resident of the state of Minnesota and owns a home there.  
  
The Defendant has strong family ties to Minnesota. Defendant has never lived outside of the United States.

5. Defendant is not a flight risk. He has fully complied with all of his pre-trial release requirements and appeared at every required hearing.
6. In an email request to the U.S. Attorney's Office regarding its consent for the Defendant to take this family trip, the government indicated it would oppose such travel privileges. The government refused to provide any rationale for opposing the request, despite repeated requests to do so. The government has also offered no evidence that Mr. Minkkinen is a flight risk and no evidence that Mr. Minkkinen poses any danger whatsoever to the community of committing additional 18 U.S.C. 1001 violations (the only charges remaining against him).
7. On August 21, 2023, this Court permitted Mr. Minkkinen's co-defendant to travel internationally. In that memorandum opinion, the Court noted that the only issue was whether Mr. Sambasivam posed a risk of flight. After analyzing a number of issues, including that he has been fully compliant with bond conditions, lacks criminal history, has had the freedom to travel throughout the continental United States through the pendency of his case, had the freedom and means to travel internationally until the indictment was returned and, although he was aware of the investigation, he did not flee in the years before his indictment, the Court permitted him to travel internationally and ordered the return of his passport. *See* Docket No. 298. Notably, Mr. Sambasivam, unlike Mr. Minkkinen, has extensive ties to the nation of India. The same factors support permitting Mr. Minkkinen to travel with the added factor that Mr. Minkkinen has no ties to any foreign nation and seeks only to travel on a Caribbean cruise with his daughter. The government's refusal to offer a rationale for opposing this request arises from the government having no objective basis for such an opposition.

WHEREFORE, Defendant David Gerald Minkkinen respectfully requests entry of an order modifying his conditions of release to permit his travel on a Norwegian Cruise Line (NCL) cruise to Puerto Rico and the surrounding island countries such as the British Virgin Islands from Sunday, March 17, 2024, to Sunday, March 24, 2024, and ordering the return of his passport to facilitate said travel and the renewal application for the same.

By: /s/ Michael Edward Nogay  
Michael Edward Nogay (WV #2744)  
Counsel for Defendant Minkkinen

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By: /s/ Stephen S. Stallings.  
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**CERTIFICATE OF SERVICE**

I, Michael Edward Nogay, counsel for Defendant David Gerald Minkkinen, hereby certify that on this 7th day of November, 2023, I served a copy of a **DEFENDANT MINKKINEN'S MOTION FOR PERMISSION TO ALLOW TRAVEL OUTSIDE THE COUNTRY**, by filing the same with the Court using the CM/ECF system.

By: /s/ Michael Edward Nogay  
Michael Edward Nogay (WV #2744)  
Counsel for Defendant

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